

STATE OF INDIANA	)	IN THE ST. JOSEPH SUPERIOR COURT
	) SS:	
COUNTY OF ST. JOSEPH	)	CAUSE NO. <u>71D06-2304-CC-001291</u>
COURTNEY HOLLOWAY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
CITY OF SOUTH BEND,	)	
OFFICER ALEXANDER WILLIAMS	)	
and UNKNOWN OFFICERS JOHN DOES/	)	
JANE DOES.	)	
Defendants.	)	

**COMPLAINT**

Comes now Plaintiff Courtney Holloway, by counsel, and alleges against the Defendants as follow:

1. The Plaintiff is Courtney Holloway, who at all material times to this Complaint was a resident of South Bend, Indiana.
2. Defendant City of South Bend (“City”) is named in its representative capacity. At all material times to this Complaint, the City employed law enforcement personnel that while acting within the scope of their employment, subjected the Plaintiff to a false arrest in violation of the Plaintiff’s rights under the laws and public policies of the state of Indiana. The City is liable for the state torts of its employees under the doctrine of *respondeat superior*.
3. Also named as defendants are City of South Bend police officer Defendant Alexander Williams, Defendants Unknown Officers John Does/ Jane Does, and each of them, who in their individual capacity pursuant to 42 U.S.C. § 1983. At all material times to this

Complaint, these Defendants, and each of them, were acting within the scope of their employment and under color of law when they subjected the Plaintiff to a detention without probable cause, in violation of the Plaintiff's federally protected rights to be free from unreasonable seizures under to the Fourth Amendment to the United States Constitution and 42 U.S. C. § 1983. The individually named defendants, and each of them are liable to the Plaintiff for their own actions, or in the alternative, they are liable to the Plaintiff based upon bystander liability.

4. The Plaintiff issued a Tort Claim Notice on April 7, 2022, a copy of which is attached hereto, incorporated herein, and made apart hereof as Exhibit "A". All required administrative remedies have been exhausted, and all jurisdictional prerequisites have been met for the filing of this lawsuit.
5. On December 1, 2021, the Plaintiff was at her home in South Bend Indiana when Defendant Alexander Williams and Officers John Does/Jane Does arrived at her home. The Plaintiff's boyfriend was visiting at the time.
6. The Defendants informed the Plaintiff that they had an arrest warrant which they were attempting to execute against her boyfriend. The Plaintiff cooperated with the Defendants by exiting her home. Once she was outside of the home, the Defendants detained the Plaintiff on site, preventing her from leaving or re-entering her home. The Defendants had no probable cause to believe however, that the Plaintiff had committed any offense.
7. The Plaintiff's boyfriend then exited the Plaintiff's home as well, and allowed himself to be taken into custody by the Defendants.

8. The Plaintiff was eventually transported in handcuffs to the local police station. Eventually she was released, with no charges, brought against her.
9. The Plaintiff estimates that she was detained outside of her home for between 2 to 3 hours, the Defendants even including after her boyfriend her had been seized and detained by the Defendants. In addition, after she exited the home in cooperation with law enforcement, and following the boyfriend's exit, the Defendants refused to permit the Plaintiff to re-enter her own home until after a search of the residence was completed, and after Plaintiff had been taken to the police station by Defendants.
10. The Plaintiff contends that she was unlawfully detained and her freedom unlawfully curtailed by the individually named Defendants, and each of them, without probable cause to believe she had committed any crime, and in the absence of an applicable warrant for her detention or seizure, subjecting the Plaintiff to an unreasonable seizure in violation of her rights under the Fourth Amendment and § 1983.
11. The Plaintiff further contends, that the seizure and detention of her person by Defendant Williams and the Defendants Unknown Officers John Does/ Jane Does constituted a state tort false arrest in violation of Indiana law. The City of South Bend, therefore is vicariously liable to the Plaintiff for the state tort false arrest to which she was subjected by its employees, under *respondeat superior*.
12. The Plaintiff also contends that Defendant Williams and Officers John Does/ Jane Does, stood by and watched as their fellow members of law enforcement subjected the Plaintiff to unlawful detention, in violation of her rights under the Fourth Amendment to the Constitution and § 1983, but did nothing to stop or intervene on the Plaintiff's

behalf against the rights violations, in spite of having a meaningful opportunity to do so. Defendant Williams and/or Defendants Unknown Officers John Does/ Jane Does therefore are liable to the Plaintiff for the Fourth Amendment violations based upon bystander liability.

13. The Plaintiff further contends that the unlawful and unconstitutional conduct of the Defendants, and each of them, was the direct and proximate cause of the Plaintiff suffering the wrongful loss of her freedom and liberty, as well as mental anguish, emotional distress, inconvenience, and other damages and injuries.

14. The complained of unlawful and unconstitutional conduct of the Defendants, and each of them, was intentional, knowing, willful, wanton, and in reckless disregard of the Plaintiff's federally protected rights under the Fourth Amendment and § 1983. Imposition of punitive damages is appropriate, where available.

WHEREFORE, Plaintiff respectfully requests judgement against the Defendants, and each of them, for compensatory damages, punitive damages (where available), reasonable attorney's fees and costs, and for all other just and proper relief in the premises.

#### **VERIFICATION**

I, Courtney Holloway, swear and affirm under the penalties for perjury that the above and foregoing representations are true and correct based upon my personal knowledge.

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Courtney Holloway

Date

**JURY DEMAND**

Pursuant to Rule 38 of the Indiana Rules of Trial Procedure, Plaintiff demands a trial by jury in this action.

Respectfully submitted,

**MYERS SMITH WALLACE, LLP**

/s/ Christopher C. Myers

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